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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS, TX 75202

EXAMINER	
PATEL, ASHOKKUMAR B	
ART UNIT	**PAPER NUMBER**
2154	

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/921,071	AMRO ET AL.	
	Examiner	Art Unit	
	Ashok B. Patel	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-30 are subject to examination.

Response to Arguments

2. Applicant's arguments filed 08/01/2005 have been fully considered but they are not persuasive for the following reasons:

Claims 1, 2, 4-6, 11, 12, 14-16, 21, 22 and 24-26 are rejected under 35 U.S.C. § 102(b) as being anticipated by Imai et al. (U.S. 5,978,590).

Applicant's argument:

"Independent claims 1, 11 and 21 include:

Claim 1. ... the identifier being removed from the computer system.

Claim 11. ... removing the identifier from the computer system for reuse.

Claim 21. ... causing a script associated with the identifier to be executed to cause one or more software components to be installed onto the computer system, whereby the identifier is removed from the computer system for reuse in installing software onto other computer systems." And "Therefore, independent claims 1, 11 and 21 and claims dependent therefrom are not anticipated by the cited art and are therefore submitted to be allowable."

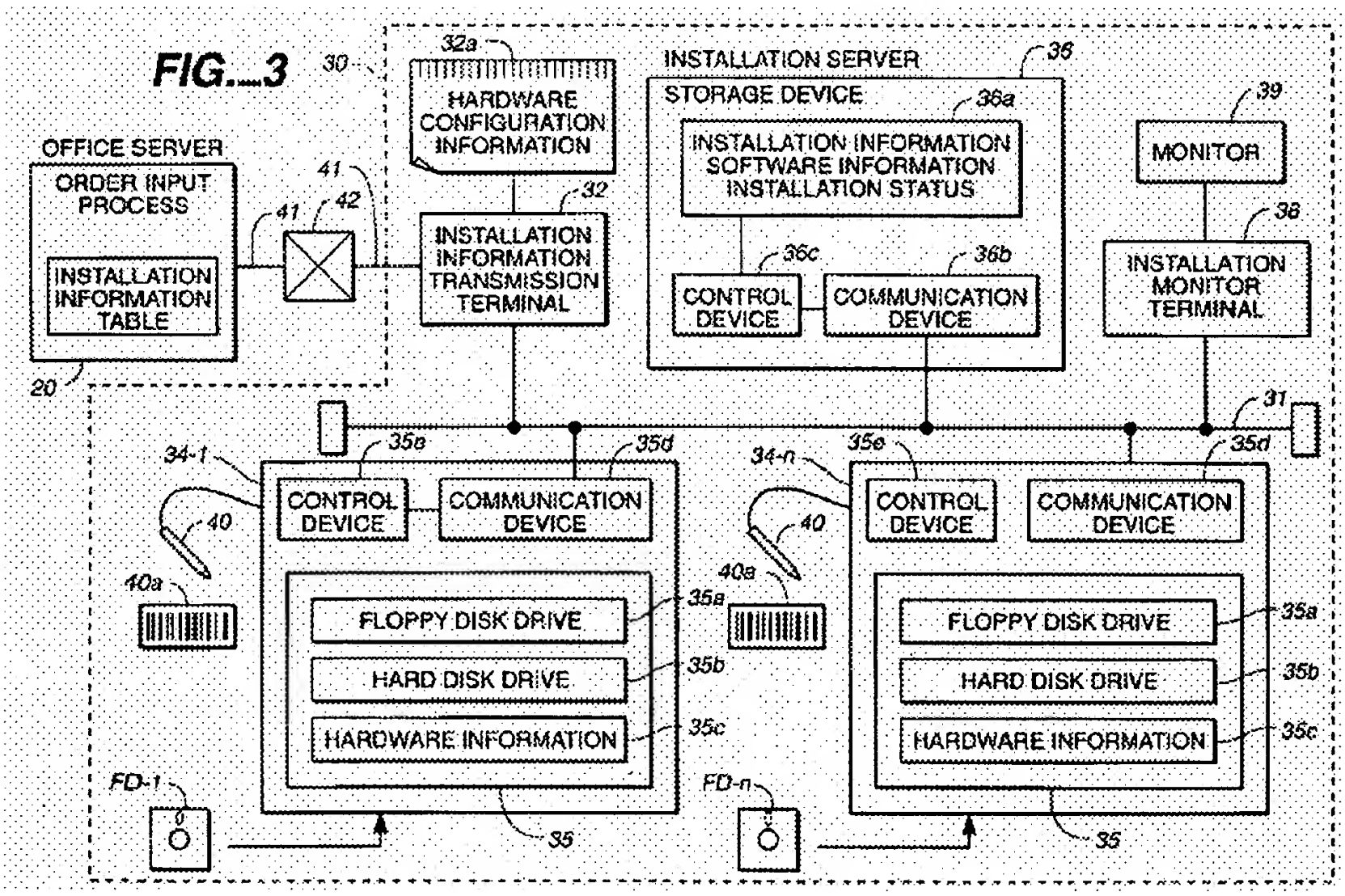
Examiner's response:

Imai teaches three embodiments for implementing its invention as illustrated In Fig.1, Fig. 2 and Fig.3 respectively.

The embodiments of Figs 1 and 2, the element ID storage means stores

the terminal ID as taught in col. 5, line 54 and col.6, line 32 describing these respective embodiments.

However, the embodiment of Fig. 3 as shown below uses the bar code that is attached to the PC as terminal ID to provide it to the server, and Imai, for this embodiment never teaches that this terminal ID is kept inside the PC, rather it specifically teaches that " the identifier is being removed from the computer by providing it to the server and not stored into the terminal (PC) itself. (col. 10, line 8-14).



Thus, Imai is clear about "the identifier being removed from the computer system."

Rejections under 35 U.S.C. § 103(a):

Applicant's argument:

"Therefore, there is simply no basis in the art for combining the references to support a 35 U.S.C. 5103 rejection because neither of the references teach or even suggest the desirability of the combination."

Examiner's response:

The references combined with Imai do provide the motivation as stated in the previous Office Action stating the benefits for their combination to Imai.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4-6, 11, 12, 14-16, 21, 22, and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Imai et al. (US 5,978,590, "Imai").

5. As per claim 1, Imai discloses a system comprising:

a server (Fig. 3, item 36) including a script associated with an identifier (col. 11, lines 8, lines 15-29); a computer system (Fig. 3, item 34) coupled to the server and including a port and a device coupled to the port, the device including the identifier (Fig. 3, item 40 and 40a) ; bar code reader attached to port with bar code);

the computer system configured to:

read the identifier from the device (col. 11, lines 39-42);

provide the identifier to the server (col. 10, lines 11-21); and

cause a script associated with the identifier to be executed to cause one or more software components to be installed onto the computer system; and the identifier being removed from the computer system .(col. 10, lines 35-67,Fig. 3, col. 10, line 8-14).

6. As per claim 2, Imai discloses the system of claim 1, wherein the computer system is configured to cause the script to be executed on the computer system (col. 5, lines (col. 6, lines 30-50; installation script copied to computer terminal and then executed).

7. As per claim 4, Imai discloses the system of claim 1 wherein the server includes the one or more software components (col. 2, lines 61-67).

8. As per claim 5, Imai discloses the system of claim 1, wherein the server includes order information associated with the computer system (col. 8, lines 8-23).

9. As per claim 6, Imai discloses the system of claim 5, wherein the order information includes a list of software components to be installed onto the computer system, and wherein the list includes the one or more software components (col. 8, lines 8-23).

10. As per claim 21, Imai discloses a system comprising:

a computer system (Fig, 3, item 34) for: reading an identifier from a device (Fig. 3, item 40) coupled to a port of the computer system (col. 11, lines 39-42); providing the identifier to a server (col. 10, lines 11-21); and causing a script

associated with the identifier to be executed to cause one or more software components to be installed onto the computer system; whereby the identifier is removed from the computer system for reuse in installing software onto other systems. (col. 10, lines 35-67, Fig. 3, col. 10, line 8-14).

11. As per claim 22, Imai discloses the system of claim 21, wherein the computer system is for: causing the script to be executed on the computer system (col. 5, lines (col. 6, lines 30-50; installation script copied to computer terminal and then executed).

12. As per claim 24, Imai discloses the system of claim 21, wherein the computer system is for: receiving the one or more software components from the server prior to the one or more software components being installed onto the computer system (col. 4, lines 24-27).

13. As per claim 25, Imai discloses the system of claim 21, wherein the computer system is for: causing the script to be executed, the script configured to cause order information associated with the computer system to be detected on the server (col. 8, lines 10-24; col. 10, lines 10-15).

14. As per claim 26, Imai discloses the system of claim 25, wherein the computer system is for: causing the script to be executed, the script configured to cause a list of software components to be installed onto the computer system to be accessed from the order information, the list including the one or more software components (col. 6, lines 1-7).

15. As per claims 11, 12, 14, 15, and 16, these claims are method claims reciting the method carried out by claims 21, 22, 24, 25, and 26 respectively and are rejected for the reasons cited for claims 21, 22, 24, 25, and 26.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability. shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors.. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C, 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

17. Claim 3, 13, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imai et al. (US 5,978,590, "Imai") in view of Oki et al. (US 5,859,969, "Oki").

18. As per claim 3, Imai teaches the system substantially as recited in claim 1, but fails to explicitly teach wherein the computer system is configured to cause the script to be executed on the server.

Oki teaches an installation system wherein the computer system is configured to cause the installation script to be executed on the server (col. 13, lines 25-30). 23. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Imai and Oki because they both deal with a server based installation system for individualized installation of software to a remote computer system. Furthermore, the teaching of Oki to cause the installation script to be executed on the server increases the reliability of the installation process by allowing the server computer to monitor the success of each step of the installation (col. 13, lines 30-34).

19. Claims 13 and 23 are rejected for the same reasons as claim 3.

20. Claims 7, 17, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imai et al. as applied to 6, 16, and 26 above (US 5,978,590, "Imai") in view of Donohue (US 6,202,207 B1).

21. As per claim 27, Imai teaches the system of claim 26 wherein the computer system is for: causing the script to be executed, the script configured to cause the one or more software components to be installed onto the computer system. Imai fails to explicitly teach that installing the components is in response to detecting the one or more software components from the list.

Donohue teaches wherein the install script installs the components in response to detecting one or more software components from the list (col. 4, lines 35-38: updater program accessing list of programs; col. 4, lines 50-67: updater component detects

existence of new versions of components and triggers the installation of the components). It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Imai and Donohue to trigger installation upon detecting the components from the list because they both deal with installation of software on a client computer from a networked server. Furthermore, the teaching of Donohue to detect the components on the server increases the usefulness of the clients programs by automatically installing up to date versions of the software including the latest upgrades and fixes.

22. As per claims 17, claim 17 is a method claim reciting the method carried out by claims 27. Claim 17 is rejected for the reasons cited for claim 27.

23. As per claim 7, claim 7 is rejected for the same reason as claim 27.

24. Claims 8-10, 18-20 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imai et al. (US 5,978,590, "Imai") in view of Chiloyan et al. (US 200210095501 A1, "Chiloyan").

25. As per claims 28 and 29, Imai does not explicitly teach that the port is a serial port and comprises a USB port. 33.

Chiloyan teaches read and identifier from a peripheral device (Paragraph 0041; reads product and vendor ID; Paragraph 0033 information can include serial number) attached to a computer system via a serial (USB) port 46 wherein the identifier is correlated with software stored on a server (Paragraph 0046; paragraph 0046; ID info used to identify drivers, application software on a server). 34. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of

Imai and Chiloyan because they both with reading an identifier to provide an index to desired software modules on a remote server. Furthermore, the teaching of read the ID from a device connected to a USB serial port allows the system to automate the installation of software associated with plug and play peripheral devices which facilitates the use of new devices by locating and installing the required drivers and associated software without user intervention (See Chiloyan, Paragraph 0037).

26. As per claim 30, Imai fails to explicitly teach wherein the device is a programmable device.

Chiloyan teaches wherein the device is a programmable device (Paragraph 0039; id stored in programmable memory). It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Imai and Chiloyan to read the identification information from a programmable device connected to a serial port because they both reading an identifier to provide an index to desired software modules on a remote server. Furthermore, the teaching of Chiloyan to use a programmable device allows the information associated with locating the required software to be updated to added to an existing device thus upgrading the device to locate the appropriate software to gain the advantage of automatic installation of application software and driver. modules.

27. Claims 8, 9, and 10 are rejected for the same reasons as claims 28, 29, and 30 respectively.

28. Claims 18, 19, and 20 are rejected for the same reasons as claims 28, 29, and 30 respectively.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp
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JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100